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FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

JUL 26 2004

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARYIn the Matter of )  
Amendment of Section 73.202(b) )  
Table of Allotments, )  
FM Broadcast Stations. )  
(Channel 280C, Toquerville, Utah) )

MB Docket No. 04-134

RM-10948

**OPPOSITION TO MOTION TO STRIKE**

Bonneville International Corporation ("Bonneville") hereby opposes the Motion to Strike filed by Calvary Chapel of St. George ("CCSG"). As demonstrated below, CCSG's Motion to Strike Bonneville's Supplemental Comments has no merit and should be denied.

Bonneville filed Supplemental Comments and a Motion to Accept Supplemental Comments in this proceeding on July 9, 2004 in order to address an interference showing included in CCSG's Reply Comments. In its Motion to Strike, CCSG argues that Bonneville's Supplemental Comments were filed after the comment period had closed and were therefore untimely.<sup>1</sup> While CCSG cites Section 1.405 of the Commission's rules in support of its argument, it does, however, specifically recognize that additional pleadings may be filed if authorized by the Commission.<sup>2</sup> The Commission has at all times the discretion to accept additional pleadings to assure a complete record and in fact does so.<sup>3</sup> Bonneville's Supplemental

<sup>1</sup> Opposition to Motion to Accept Supplemental Comments and Motion to Strike of CCSG, MB Docket No. 04134 at 2 (filed July 14, 2004) ("Motion to Strike").

<sup>2</sup> *Id* at 1.

<sup>3</sup> *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Oakville, Raymond, and South Bend, Washington)*, 17 FCC Rcd 997 (Allocations Branch 2002); *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Winslow, Camp Verde, Mayer, and Sun City West, Arizona)*, 15 FCC Rcd 9155 (Allocations Branch 2000); *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Boalsburg, Clearfield, Duncansville, et. al., Pennsylvania)*, 6 FCC Rcd 4296 (Allocations Branch 1991); *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (South Congaree and Batesburg, South Carolina)*, 5 FCC Rcd 7480 (Allocations Branch 1990); *Amendment of Section 73.202(b), Table of* (Continued...)

Comments were filed to address a new technical showing made by CCSG in its reply comments and to provide the Commission with important information related to that showing. It is fully appropriate for the Commission to consider Bonneville's submission.

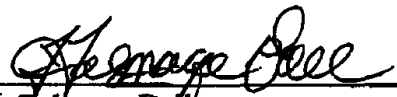
Additionally, CCSG states in its Motion to Strike that it is *undisputed* that Bonneville lacks standing to contest the proposed reservation.<sup>4</sup> This is simply incorrect. Bonneville clearly sets forth in footnote 3 of its Supplemental Comments that the Commission's rules do not require parties participating in rulemaking proceedings to demonstrate standing to file, nor does the *Notice of Proposed Rulemaking* in this proceeding specify such a requirement.<sup>5</sup> Bonneville also indicates in that footnote that it has an interest in applying for the Toquerville allotment when a filing window is opened.<sup>6</sup>

For all of these reasons, Bonneville respectfully requests that the Commission deny CCSG's Motion to Strike.

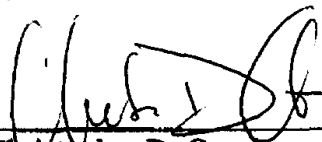
Respectfully submitted,

**BONNEVILLE INTERNATIONAL CORPORATION**

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July 26, 2004

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*Allotments, FM Broadcast Stations (Live Oak and St. Augustine, Florida), 4 FCC Rcd 758 (Allocations Branch 1989).*

<sup>4</sup> Motion to Strike at 2.

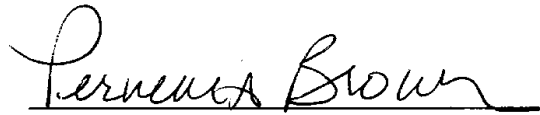
<sup>5</sup> Supplemental Comments of Bonneville, MB Docket No. 04-134 at 1 (filed July 9, 2004).

<sup>6</sup> *Id.*

**CERTIFICATE OF SERVICE**

I, Pervenia Brown, do hereby certify that on this 26th day of July 2004, a copy of the foregoing Opposition to Motion to Strike was served by first-class mail, postage prepaid on the following:

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